

Report to the Auburn City Council

Action Item

17

Agenda Item No.

City Manager Approval

To: Mayor and City Council Members
From: Bernie Schroder, Director of Public Works *BS*
By: Carie Huff, P.E., Associate Civil Engineer *CH*
Date: June 11, 2012
Subject: Abandonment of the Public Utility Easement at 185 Palmyra Street

The Issue

Shall the City of Auburn authorize the abandonment of a Public Utility Easement at 185 Palmyra Street?

Conclusion and Recommendation

Staff recommends that the City Council:

1. By **MOTION**, hold a Public Hearing regarding the abandonment of the Public Utility Easement at 185 Palmyra Street.
2. By **RESOLUTION**, authorize the abandonment of the Public Utility Easement at 185 Palmyra Street under the provisions of Section 8320-8325 of the Streets and Highways Code of the State of California.

Background

Michael Smith of 185 Palmyra Street has requested the abandonment of the Public Utility Easement running along his property in order to build a garage. The Public Utility Easement was originally reserved by PCWA for a tunnel easement; however PCWA has indicated that the easement is not utilized and has approved the abandonment. Additionally AT&T, WAVE Broadband, PG&E and the City of Auburn have determined that the easement is not needed for existing infrastructure or future improvements. Mr. Smith has followed the City's standard procedure for Public Utility Easement abandonment, including submitting the standard fee and obtaining neighbors signatures. The abandonment has been noticed in the Auburn Journal and in three locations near the property and City staff has received no verbal or written comments to date. All relevant information including the letters from the utility companies, neighbor signatures, and the public notice are included in this staff report.

Alternatives Available to Council; Implications of Alternatives

1. Adopt staff recommendations.
2. Do not adopt recommendations.

Fiscal Impact

There is no fiscal impact.

Attachments

Applicant Letter

Neighbor Signatures

Plot Area

PCWA Letter

AT&T Letter

WAVE Broadband Letter

PG&E Letter

Public Notice for PUE Abandonment

ORPC – volume 1003 page 97

ORPC – volume 1005 page 694

Resolution

City of Auburn

May 6, 2012

The reason for requesting abandonment of the PUE on APN 040-130-056 is to allow us to build a garage that as currently sited would encroach on the entire 10 feet of the Public Utility Easement.

Sincerely,

Michael Smith

A handwritten signature in black ink, appearing to read "Michael R. Smith". The signature is fluid and cursive, with a long horizontal line extending from the end.

WHEREFORE, petitioners pray that the Honorable City Council of the City of Auburn, set a time and place for the hearing of this petition, and that notice be given of the date set for hearing as required by Section 8320 of the Streets and Highways Code of the State of California.

Dated: May 7, 2012

- | | |
|---|--|
| 1. <u>Monique Eagan</u>
Name - Print or Type | <u>1165 Palmyra St.</u>
Address - Street |
| <u>Monique Eagan</u>
Signature | <u>Auburn, Ca 95603</u>
Town - State |
| 2. <u>Sherri Schackner</u>
Name - Print or Type | <u>400 Baltimore Rd.</u>
Address - Street |
| <u>Sherri Schackner</u>
Signature | <u>Auburn, Ca. 95603</u>
Town - State |
| 3. <u>William J. Gilbrech</u>
Name - Print or Type | <u>475 Knollwood Dr</u>
Address - Street |
| <u>William J. Gilbrech</u>
Signature | <u>Auburn, Ca. 95603</u>
Town - State |
| 4. <u>Adriana Jensen</u>
Name - Print or Type | <u>485 Knollwood DR.</u>
Address - Street |
| <u>Adriana Jensen</u>
Signature - Print or Type | <u>Auburn, CA 95603</u>
Town - State |
| 5. <u>Michael R. Smith</u>
Name - Print or Type | <u>185 Palmyra St.</u>
Address - Street |
| <u>Michael R. Smith</u>
Signature - Print or Type | <u>Auburn CA 95603</u>
Town - State |



PLACER COUNTY WATER AGENCY
SINCE 1857

BOARD OF DIRECTORS

Gray Allen, District 1
Alex Ferreira, District 2
Lowell Jarvis, District 3
Mike Lee, District 4
Ben Mavy, District 5

BUSINESS CENTER

144 Ferguson Road
MAIL
P.O. Box 6570
Auburn, CA 95604

David Breninger, General Manager
Ed Tiedemann, General Counsel

PHONE
530.823.4850
800.464.0030
WWW.PCWA.NET

March 7, 2012
File No. General Info.

Michael Smith
185 Palmyra St
Auburn, CA 95603

SUBJECT: Easement Abandonment – 185 Palmyra St, Assessor's Parcel 040-130-056

Dear Mr. Smith:

Thank you for the opportunity to comment on the proposed abandonment of the 10' public utility easement on the easterly portion of Lot 'B' as shown on Book 10 Parcel Maps Page 58.

Upon review by Agency staff, PCWA does not utilize the P.U.E. for either treated or raw water purposes and therefore has no objections to the abandonment of the public utility easement.

You may provide this letter to the City of Auburn to show PCWA's concurrence with the abandonment of this P.U.E.

If you have any questions please call me at (530) 823-4414.

Sincerely,

Sandra Hewston
Right of Way Technician

SH:vf

z:/vf/march12.cor

From: "PRINCE, CAROL A" <cp8198@att.com>
Subject: **PUE Abandonment**
Date: March 27, 2012 11:42:11 AM PDT
To: "katiemichael@sbcglobal.net" <katiemichael@sbcglobal.net>
1 Attachment, 785 KB

Michael and Katie,
Attached is a letter from AT&T as no objection to the PUE you are proposing. Please let me know if you need any other correspondence.

Carol

Carol A. Prince
AT&T Public Works Manager
3545 Industrial Avenue, Ste. 104
Rocklin, CA 95765
Office (916) 409-1384
Cell (530) 400-2913
cp8198@att.com



3545 Industrial Blvd. Ste 104
Rocklin, CA 95765

March 27, 2012

VIA EMAIL: katiemichael@sbcglobal.net

Michael and Katie Smith:

RE: PUE Abandonment
165 and 175 Palmyra Street, Auburn
APN 040-130-056

AT&T has no objection to the abandonment of the PUE on property identified as APN 040-130-056; Palmyra Street, Auburn. AT&T facilities will not be impacted by this abandonment.

Please be sure to call Underground Service Alert at 811 two days before digging.

If you have any questions, please call me on (916) 409-1384.

Sincerely,

A handwritten signature in dark ink, appearing to be "CP" or similar initials, followed by a period.

Carol A. Prince
Public Works Manager



March 19, 2012

Michael R. Smith
185 Palmyra Street
Auburn, Ca 95603

Reference: **Abandonment of Easement (Parcel AP#040.130.056)**

Dear Mr. Smith:

After going through the review of the drawing you provided us, Wave Broadband has no existing facility within the proposed abandonment location as stated on the map and therefore will not create any potential conflict. Wave Broadband has no objection on abandonment of such parcel.

If you have any questions, please call at (916) 630-7180.

Sincerely,

A handwritten signature in black ink, appearing to be "Kirk Ellingson", written over a horizontal line.

Kirk Ellingson
Director of OSP



*Pacific Gas and
Electric
Company*

Gil Yamzon
Lead Land Technician
Land Services

343 Sacramento Street
Auburn, CA 95603

(Office) 530-889-3164
(Fax) 530-889-3392
Gil.Yamzon@PGE.COM

March 29, 2012

Mr. Michael Smith
185 Palmyra Street
Auburn, CA 95603

Re: Abandonment of 10' Public Utility Easement
Parcel "B" 10 PM 58
Assessors Parcel No. 040-130-056

Dear Smith:

PG&E has reviewed your request and has no objection to the proposed abandonment of the 10' wide Public Utility Easement (PUE), insofar as it affects PARCEL "B" as shown on the Parcel Map filed for record May 18, 1977, in Book 10 of Parcel Maps at page 58, Placer County Records.

If you have any questions regarding the above, please feel free to call me at (530) 889-3164.

Sincerely,

Gil Yamzon
Lead Land Technician

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING
ABANDONMENT OF A PUBLIC UTILITY EASEMENT**

Notice is hereby given that the City of Auburn will hold a public hearing to consider the abandonment of a public utility easement under the provisions of Section 8320-8325 of the Streets and Highways Code of the State of California. The public utility easement is located at 185 Palmyra Street and is recorded in volume 1003 page 97 and volume 1005 page 694 in the official records of Placer County. The public hearing will be held at a regularly scheduled City Council meeting on June 11, 2012 at 6:00 pm at the Council Chambers at 1225 Lincoln Way, Auburn, CA 95603.

Interested persons are invited to attend the hearing or submit their written comments to the City of Auburn Public Works Department prior to the hearing date.

Any questions regarding the Public Utility Easement Abandonment may be directed to Bernie Schroeder, Director of Public Works at (530) 823-4211 x144.

Dated: May 22, 2012

Publish Dates: May 28th and June 4^h, 2012

RECORDER'S OFFICE
PLACER COUNTY

OFFICIAL RECORDS
PLACER COUNTY, CALIF.
RECORD REQUESTED BY

Placer County Water Agency
Feb 25 9 51 AM 1964

3461

NO FEE REQUIRED

3461 CLAYTON J. GOODPASTER COUNTY RECORDER TUNNEL EASEMENT DEED

HERBERT V. GREEN, also known as H. V. GREEN, and LUCILE E. GREEN, his wife, as joint tenants, hereinafter referred to as GRANTORS, DO HEREBY GRANT TO:

PLACER COUNTY WATER AGENCY, a body politic, hereinafter referred to as GRANTEE,

An underground easement for the construction, installation, completion, maintenance and repairs of a tunnel or tunnels within said easement for transporting, conveying or supplying of water;

Said easement being described as a core not more than 50 feet in diameter, the top of the core being not less than 500 feet below the surface of ground, and traversing underneath the lands of GRANTORS as follows:

COMMENCING at the SE corner of Lot 50, Awali Heights Subdivision, in the SE $\frac{1}{4}$ of Section 16, T. 12 N., R. 8 E., M.D.M., Placer County, California, as shown on that Map recorded in Book D of Maps, Official Records of Placer County, at Page 86; thence, N. 88° 48' 30" E., 11.04 feet to the center of a 20 foot road; thence, along the center of said 20 foot road, S. 23° 54' 30" W., 234.15 feet to a point from which the point of commencement of said underground easement measures vertically not less than 500 feet; thence from said underground point of beginning N. 84° 23' 40" W. 841.02 feet to the point of termination, which measures vertically not less than 500 feet from a surface point on the southeasterly line of that 1.3 acre tract of land described in deed recorded in Volume 595 Official Records of Placer County, at page 238, from whence the southwest corner of Lot 43 of said Awali Heights Subdivision bears the following three courses: N. 33° 54' 30" E., 98.87 feet; thence N. 42° 45' 30" E. 45.59 feet; thence S. 88° 48' 30" W. 343.97 feet.

The basis of bearings of this description should be rotated 0° 35' 30" clockwise to true North.

Said core may be extended or shortened to meet adjoining property lines measured not less than 500 feet vertically below the surface thereof.

Except as hereinabove specifically granted, all other rights, titles and interests of the GRANTORS and their successors in interest reserved and excepted herefrom.

(As used above, the term "GRANTOR" shall include the plural, a corporation or partnership as well as the singular number and the words "himself" or "his" shall include the feminine gender and/or a corporation and/or the several members of a partnership, as the case may be).

Dated this 27th day of January, 1964.

Signed and delivered in the presence of Marjorie Ramsden,
Notary Public

Herbert V. Green
Lucile E. Green

ESLAIN AND CHAMBERLAIN
ATTORNEYS AT LAW
IN COUNTY BANK BLDG.
USUKA, CALIFORNIA

RECORDER'S OFFICE
PLACER COUNTY

STATE OF CALIFORNIA.

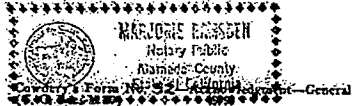
County of Alameda

On this 27th day of January in the year one thousand nine hundred and sixty-four

before me, MARJORIE RAMSDEN, a Notary Public,
State of California, duly commissioned and sworn, personally appeared
Herbert V. Green and Lucile E. Green

known to me to be the persons whose name is subscribed to the within instrument
and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal
in the County of Alameda the day and year in this
certificate first above written.



M. Ramsden
MARJORIE RAMSDEN Notary Public, State of California.
My Commission Expires July 27, 1965

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This is to certify that the interest in real property conveyed by the deed or grant dated January 27th, 1964, from HERBERT V. GREEN, also known as H. V. GREEN, and LUCILE E. GREEN, his wife, to the Placer County Water Agency, a governmental agency is hereby accepted by the undersigned Agent on behalf of the Board of Directors of the Placer County Water Agency, pursuant to authority conferred by Resolution Number 23-71 of said Board, adopted on November 12, 1963, and the grantee consents to recordation thereof by its duly authorized agent.

[Signature]
General Manager, Placer County Water Agency.

3461

4829

TUNNEL EASEMENT DEED

HERBERT V. GREEN and LUCILE E. GREEN, husband and wife as joint tenants, Grantors, DO GRANT TO:

PLACER COUNTY WATER AGENCY, a body politic, hereinafter referred to as GRANTEE,

An underground easement for the construction, installation, completion, maintenance and repairs of a tunnel or tunnels within said easement for transporting, conveying or supplying of water;

said easement being described as a core not more than fifty feet in diameter, the top of the core being not less than 440 feet below the surface of the ground, and running in, within and through the mineral rights of grantors, in, to and under those certain lands described as follows:

COMMENCING at the SW corner of Lot 43, Awali Heights Subdivision in the SE $\frac{1}{4}$ of Section 16, T. 12 N., R. 8 E., M. D. M., Placer County, California, as shown on the Map recorded in Book D of Maps, Official Records of Placer County, at Page 86; thence along the South line of said Awali Heights Subdivision, N. 88° 48' 30" E., 343.97 feet; thence, leaving said South line, along the SEly line of that 1.3 acre tract of land described in that Deed recorded in Volume 595, Official Records of Placer County, at Page 238, the following two courses: S. 42° 45' 30" W., 45.59 feet and S. 33° 54' 30" W., 98.87 feet to a point, from which the point of commencement of said underground easement measures vertically not less than 440 feet, running thence from said underground point of beginning (leaving said SEly surface line) N. 84° 28' 40" W., 258.15 feet to the point of termination, which measures vertically not less than 440 feet from a surface point on the West line of said 1.3 acre tract of land, from whence the SW corner of said Lot 43 bears N. 0° 35' 30" W., 83.53 feet.

The basis of bearings in this description should be rotated 0° 35' 30" clockwise to true North.

Said core may be extended or shortened to meet adjoining property lines measured not less than 440 feet vertically below the surface thereof.

Except as hereinabove specifically granted, all other rights, titles and interests of the GRANTORS and their successors in interest reserved and excepted herefrom.

(As used above, the term "GRANTOR" shall include the plural a Corporation, or partnership as well as the singular number and the words "himself" or "his" shall include the feminine gender and/or a corporation and/or the several members of a partnership as the case may be.)

Dated: this 2nd day of March, 1964.

Herbert V. Green

Lucile E. Green

Grantors.

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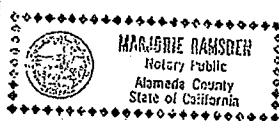
RECORDER'S OFFICE
PLACER COUNTY

ACKNOWLEDGMENT OF GRANTORS

STATE OF CALIFORNIA }
Alameda } ss.
County of Placer }

On the 2nd day of March, 1964, before me
Marjorie Ramsden, a notary public in and for
said County and State, residing therein, duly commissioned and
sworn, personally appeared HERBERT V. GREEN and LUCILE E. GREEN,
husband and wife, known to me to be the persons described in and
whose names are subscribed to the within instrument, and they
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.



Marjorie Ramsden
Notary Public in and for the County of
Alameda, State of California.
My Commission Expires July 27, 1965

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property
conveyed by the deed or grant dated March 2, 1964
from HERBERT V. GREEN and LUCILE E. GREEN, husband and wife, as
joint tenants, to the PLACER COUNTY WATER AGENCY, a governmental
agency, is hereby accepted by the undersigned Agent on behalf of
the Board of Directors of the Placer County Water Agency, pursuant
to authority conferred by Resolution Number 63-71 of said Board,
adopted on November 12th, 1963, and the grantee consents to re-
cordation thereof by its duly authorized agent.

OFFICIAL RECORDS
PLACER COUNTY-CALIF.
RECORD REQUESTED BY

Placer County Water Agency

MAR 16 9 44 AM 1964

CLAYTON J. GOODPASTER
COUNTY RECORDER.

4829 NO FEE REQUIRED

1115 Blgh St. #9-Audurn

John J. Brown
General Manager,
Placer County Water Agency.

4829

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RESOLUTION NO. 12-
RESOLUTION AUTHORIZING THE ABANDONMENT OF THE PUBLIC UTILITY
EASEMENT AT 185 PALMYRA STREET

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby authorize the
abandonment of the Public Utility Easement at 185 Palmyra Street under the
provisions of Section 8320-8325 of the Streets and Highways Code of the
State of California.

DATED: June 11, 2012

Kevin Hanley, Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
that the foregoing resolution was duly passed at a regular session meeting of
the City Council of the City of Auburn held on the 11th day of June 2012 by the
following vote on roll call:

Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk